

Title 10 – Department of Health

Subtitle 41

Board of Examiners for Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists

Chapter 09 Civil Penalties

.01 Scope.

This chapter establishes the standards by which the Board may impose an administrative monetary penalty not exceeding \$5,000 on an individual licensed under Health Occupations Article, Title 2, Annotated Code of Maryland, for an act or omission prohibited under Health Occupations Article, §2-314, Annotated Code of Maryland.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists.

(2) "Licensee" means an individual licensed by the Board to practice audiology, hearing aid dispensing, or speech-language pathology.

(3) "Violation" means an act or omission prohibited under Health Occupations Article, §2-314, Annotated Code of Maryland.

.03 Authority To Impose Administrative Monetary Penalty.

A. After a hearing under Health Occupations Article, §2-315, Annotated Code of Maryland, and COMAR 10.41.04, the Board may impose an administrative monetary penalty of \$1,000 or less under this chapter on a licensee who is found to have committed a violation.

B. The Board may impose a penalty under §A of this regulation:

(1) For each determination by the Board that there are grounds to suspend or revoke the license of a licensee or to reprimand a licensee or place a licensee on probation, not to exceed a maximum of \$1,000; and

(2) In addition to any suspension or revocation, or reprimanding the licensee or placing the licensee on probation.

.04 Factors To Be Considered in Assessment of Penalties.

In determining whether to impose a penalty and the amount of the penalty, the Board shall consider the following factors:

- A. The cost of investigating and prosecuting the case against the individual;
- B. The extent of actual or potential public harm caused by the violation;
- C. The extent to which the individual derived any financial benefit from the violation;
- D. The history of any previous violation;
- E. The willfulness of the improper conduct; and
- F. Any mitigating factors as presented by the licensee.

.05 Payment of Penalties.

- A. An individual shall pay to the Board within a time set by the Board any administrative monetary penalty imposed under this chapter.
- B. The Board shall pay into the General Fund of the State all monies collected under this chapter.
- C. If an individual fails to pay, in whole or in part, any penalty imposed by the Board under this chapter, the Board may not restore, reinstate, or renew the license of the individual until the penalty has been paid in full.
- D. The Board may refer all cases of delinquent payment to the Central Collection Unit of the Department of Budget and Management to institute and maintain proceedings and ensure prompt payment.